

Bingham McCutchen LLP  
WENDY M. LAZERSON (SBN 97285)  
KRISTEN M. PEZONE (SBN 224057)  
1900 University Avenue  
East Palo Alto, CA 94303-2223  
Telephone: (650) 849-4400  
Facsimile: (650) 849-4800  
Email: wendy.lazerson@bingham.com  
Email: kristen.pezone@bingham.com

Attorneys for Defendant  
BIMBO BAKERIES USA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KATHLEEN MORRISON, ET AL.,

Plaintiffs,

vs.

BIMBO BAKERIES, U.S.A., INC.,

Defendants.

Case No.: 07-CV-03156 JCS

DECLINATION TO PROCEED  
BEFORE A MAGISTRATE JUDGE  
AND  
REQUEST FOR REASSIGNMENT  
TO A UNITED STATES DISTRICT  
JUDGE

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT COURT:

The undersigned party in the above-captioned civil matter hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case of a United States District Judge.

DATED: July 10, 2007

Bingham McCutchen LLP

By: 

Wendy M. Lazerson  
Kristen Pezone  
Attorneys for Defendant  
BIMBO BAKERIES USA, INC.

## **U.S. District Court Northern California**

### **ECF Registration Information Handout**

The case you are participating in has been designated for this court's Electronic Case Filing (ECF) Program, pursuant to Local Rule 5-4 and General Order 45. This means that you **must** (check off the boxes ☒ when done):

- ☐ **1) Register** to become an efiler by filling out the efiler application form. Follow ALL the instructions on the form carefully. If you are already registered in this district, do not register again, your registration is valid for life on all ECF cases in this district.
- ☐ **2) Serve this** ECF Registration Information Handout on **all** parties in the case along with the complaint, or for removals, the removal notice. **DO NOT** serve the efiler application form, just this handout.
- ☐ **3) Email** (do not efile) the complaint and, for removals, the removal notice and all attachments, in PDF format within ten business days, following the instructions below. You do not need to wait for your registration to be completed to email the court.
- ☐ **4) PACER** (Public Access to Court Electronic Records) access is mandatory to access dockets and documents. If your firm already has a PACER account, please use that - it is not necessary to have an individual account. PACER registration is free. If you need to establish or check on an account, visit: <http://pacer.psc.uscourts.gov> or call **(800) 676-6856**.

BY SIGNING AND SUBMITTING TO THE COURT A REQUEST FOR AN ECF USER ID AND PASSWORD, YOU CONSENT TO ENTRY OF YOUR E-MAIL ADDRESS INTO THE COURT'S ELECTRONIC SERVICE REGISTRY FOR ELECTRONIC SERVICE ON YOU OF ALL E-FILED PAPERS, PURSUANT TO RULES 77 and 5(b)(2)(D) (eff. 12.1.01) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

**All subsequent papers in this case shall be filed electronically.**

ECF registration forms, interactive tutorials and complete instructions for efilng may be found on the ECF website: <http://ecf.cand.uscourts.gov>

#### **Submitting Initiating Documents**

PDF versions of all the initiating documents originally submitted to the court (Complaint or Notice of Removal, Civil Cover Sheet, exhibits, etc.) must be **emailed (not efiled)** to the **PDF email box for the presiding judge** (not the referring judge, if there is one) **within 10 (ten) business days** of the opening of your case. For a complete list of the email addresses, please go to: <http://ecf.cand.uscourts.gov> and click on **[Judges]**.

## **U.S. District Court Northern California**

### **Submitting Initiating Documents** (continued)

You must include the case number and judge's initials in the subject line of all relevant emails to the court. You do not need to wait for your registration to email these documents.

These documents must be emailed instead of e-filed to prevent duplicate entries in the ECF system. All other documents must be e-filed from then on.

### **Converting Documents to PDF**

Conversion of a word processing document to a PDF file is required before any documents may be submitted to the Court's electronic filing system. Instructions for creating PDF files can be found at the ECF web site: <http://ecf.cand.uscourts.gov>, and click on **[FAQ]**.

### **Email Guidelines**

When sending an email to the court, the subject line of the email **must** contain the **case number, judge's initials** and the **type of document(s)** you are sending, and/or the topic of the email.

#### **Examples:**

The examples below assume your case number is 03-09999 before the Honorable Charles R. Breyer:

<b>Type of Document</b>	<b>Email Subject Line Text</b>
Complaint Only	03-09999 CRB Complaint
Complaint and Notice of Related Case	03-09999 CRB Complaint, Related Case
Complaint and Motion for Temporary Restraining Order	03-09999 CRB Complaint, TRO

### **Questions**

Almost all questions can be answered in our **FAQs** at <http://ecf.cand.uscourts.gov>, please check them first.

You may also email the ECF Help Desk at [ECFhelpdesk@cand.uscourts.gov](mailto:ECFhelpdesk@cand.uscourts.gov) or call the toll-free ECF Help Desk number at: (866) 638-7829.

The ECF Help Desk is staffed Mondays through Fridays from 9:00am to 4:00pm Pacific time, excluding court holidays.

PROOF OF SERVICE

I am over 18 years of age, not a party to this action and employed in the County of San Mateo, California at 1900 University Avenue, East Palo Alto, California 94303-2223. I am readily familiar with the practice of this office for collection and processing of correspondence for mailing with the United States Postal Service and correspondence is deposited with the United States Postal Service that same day in the ordinary course of business.

Today I served the attached:

DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND  
REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

by causing a true and correct copy of the above to be placed in the United States Mail at East Palo Alto, California in sealed envelope(s) with postage prepaid, addressed as follows:

Michael S. Langford  
Attorney at Law  
1502 North Broadway  
Santa Ana, CA 92706

Joseph J. Gigliotti, Esq.  
Gigliotti & Gigliotti  
434 East Chapman Avenue  
Fullerton, CA 92832

Michael J. Walsh, Esq.  
Walsh & Walsh PC  
420 Exchange, Suite 270  
Irvine, CA 92602

Rudy Ginez, Esq.  
Ginez, Steinmetz & Associates  
926 North Flower Street  
Santa Ana, CA 92703

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 10, 2007.

  
Mary F. Maggini